

C.I.A. Opens Lisbon Flight Files, Tells Court It Knew of Bombers

By DOUGLAS ROBINSON
Special to The New York Times

BUFFALO, Oct. 7 — The Central Intelligence Agency disclosed in court today that it had known beforehand that seven World War II bombers were to be exported last year to Portugal.

In an unusual move, the agency opened its files to the public in the case against two men charged with selling the planes to Lisbon without proper authorization.

Four documents, all described as pertaining to the case, were brought to Federal Court here by Lawrence R. Houston, general counsel of the C.I.A. who took the witness stand this afternoon.

Only one of the documents was offered in evidence before the weekend. It showed that the trial was adjourned for the C.I.A. had been aware of the pending flights four days before the first B-26 took off for the trip to Portugal.

Before the papers were publicly exhibited, however, parts relating to C.I.A. sources, codes and methods of gathering information were excised by Federal Judge John O. Henderson during a meeting with Government lawyers in his chambers.

On trial here are John F. Hawke, a British pilot now living in Fort Lauderdale, Fla., and Count Henri Marie Francois de Marin de Montmarin, a French airplane broker. Both are accused of violating the Munitions Control Act by exporting military planes to a foreign country without a State Department license.

'Complete File'

The lawyer for Mr. Hawke, Edwin Marger of Miami Beach, has contended throughout the trial that the flight of the seven B-26 bombers was a clandestine operation of the C.I.A.

In his testimony today, Mr. Houston said the four documents were the complete file on the case. He told the jury that the information in the first paper was "raw information" that had not been evaluated by the C.I.A. before its dissemination to various Government intelligence agencies.

The document was dated May 25, 1965, and contained information — apparently gathered in Lisbon — that the Portuguese Government had purchased "about 20 B-26 aircraft from a private firm . . . which are flown from a base in Texas to Canada where they are modified for extra fuel tanks to fly the Atlantic via an unknown refueling base."



Federal Judge John O. Henderson conducts the trial.

Previous testimony has established that Mr. Hawke flew the first bomber from Tucson to Rochester on May 29, and then flew on to Portugal several days later.

Before court adjourned, Mr. Marger said he intended to prove that the documents on hand were not the complete file on the case and that either the operation was C.I.A.-sponsored or that for its own purposes the agency did nothing to halt the flights.

The seven planes were flown across the Atlantic from the end of May until early September.

Under questioning, Mr. Houston also disclosed that the information from Lisbon had been sent to intelligence units of the State Department, the Defense Department, the Navy, the Air Force, the Army and the Joint Chiefs of Staff. It also went to 10 other agencies, he said.

"Is this a secret document?" asked Mr. Marger. "Yes," Mr. Houston replied over the laughter of the spectators.

Mr. Houston also testified that the C.I.A. had "no jurisdiction in these matters," referring to the legal or illegal exporting of aircraft from this country.

Earlier in the day, a Federal Aviation Agency employee from Portland, Me., testified that Mr. Hawke had landed one of the bombers at the Portland Airport during one of the trips.

The witness, Royall P. Saunders, said that in examining Mr. Hawke's papers he had noticed no certificate allowing for the exportation of the military plane. He said he had

Investigation in Boston about the matter while Mr. Hawke waited.

"I told them about the license not being there and the F.B.I. agent said he would talk to the people in his office and would then telephone me," Mr. Saunders said. "He never called me back."

The trial will resume on Tuesday morning when Mr. Houston will again take the stand.

CPYRGHT

FOIAb3b

CPYRGHT